

REMARKS

In the Office Action¹, the Examiner rejected claims 25, 26, and 28-30 under 35 U.S.C. §112, second paragraph.

Applicants have amended claims 25, 26, 28, and 30. Claims 25, 26, and 28-30 remain pending and under current examination.

Regarding the rejection of claims 25, 26, and 28-30 under 35 U.S.C. §112, second paragraph, the Examiner states, “[t]he limiting phrase ‘holding/preserving means that best matches the real correlation function generated in from the generating means and judging one of the states regarding the real time-sequence data’ is indefinite in scope with respect to the algorithm for best matching the two models” (Office Action at page 2). Applicants respectfully disagree.

The Examiner has incorrectly interpreted claims 25, 26, and 28-30 to recite a algorithm for “best matching the two models.” No matching of two models exists in claims 25, 26, and 28-30. On the contrary, claims 25, 26, and 28-30 recite generating a “theoretical model of a correlation function.” The generated “theoretical model” may be held/preserved by the “holding/preserving means” and selected by the “selecting means.” The “selecting means” selects the “theoretical model” that “best matches the real correlation function,” as recited in claims 25, 26, and 30.

The Examiner also states, “[t]he limiting phrase ‘the real time-sequence data having an equilibrium point; the equilibrium point is provided based on value’ is vague and indefinite” (Office Action at page 2). Although Applicants maintain that the claims

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

are not indefinite, in an effort to further prosecution, Applicants have amended claims 25, 26, and 30 to provide even greater clarity.

Applicants have amended “the real time-sequence data having an equilibrium point; the equilibrium point is provided based on value and by multiplying the first parameter to a recent change value of the real time-sequence data” to recite --real time-sequence data having an equilibrium point that is provided by multiplying the first parameter by a recent change value of the real time-sequence data--. Applicants submit that providing an equilibrium point “by multiplying the first parameter by a recent change value of the real time-sequence data” is not vague and indefinite.

The Examiner further states, “[t]he limiting phrase ‘multiplying the first parameter to a recent change value of the real time-sequence data; and a value of the real time-sequence data after a time Δt is provided based on a value provided by multiplying the second parameter to a difference between a value of the real time-sequence data in a current time t and the equilibrium point’ is vague and indefinite in that the identity of the first and second parameter is ambiguous” (Office Action at page 2).

Applicants have amended the claim language to recite “multiplying the first parameter by a recent change value of the real time-sequence data; and a value of the real time-sequence data after a time Δt that is provided by multiplying the second parameter by a difference between a value of the real time-sequence data in a current time t and the equilibrium point.”

Claims 25, 26, and 30 recite a “theoretical model,” and a “fluctuation of the real time-sequence data” that is indicated “by using a relationship established between a first parameter and a second parameter of the selected theoretical model.” The “first

parameter” may be used to provide the “equilibrium point,” and the “second parameter” may be used to provide the “value of the real time-sequence data after a time Δt .” The “first parameter” and “second parameter” are parameters of the “selected theoretical model.” Therefore, Applicants submit that the identity of the parameters are not ambiguous, and respectfully request reconsideration and withdrawal of the rejection of claims 25, 26, and 28-30 under 35 U.S.C. §112, second paragraph.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 25, 26, and 28-30 in condition for allowance. This Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments against Applicants’ invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

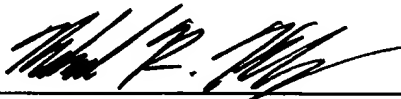
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the application and withdrawal of the rejections. Pending claims 25, 26, and 28-30 are in condition for allowance, and Applicants request a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 5, 2007

By: 
Michael R. Kelly
Reg. No. 33,921